



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO HOUSE BILL 1455

2 AMENDMENT NO. _____. Amend House Bill 1455, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Sale of Tobacco to Minors Act is amended by
6 changing Section 1 as follows:

7 (720 ILCS 675/1) (from Ch. 23, par. 2357)

8 Sec. 1. Prohibition on sale of tobacco to minors; use of
9 identification cards; vending machines; lunch wagons;
10 out-of-package sales.

11 (a) No minor under 18 years of age shall buy any cigar,
12 cigarette, smokeless tobacco or tobacco in any of its forms. No
13 person shall sell, buy for, distribute samples of or furnish
14 any cigar, cigarette, smokeless tobacco or tobacco in any of
15 its forms, to any minor under 18 years of age.

16 (a-5) No minor under 16 years of age may sell any cigar,

1 cigarette, smokeless tobacco, or tobacco in any of its forms at
2 a retail establishment selling tobacco products. This
3 subsection does not apply to a sales clerk in a family-owned
4 business which can prove that the sales clerk is in fact a son
5 or daughter of the owner.

6 (a-6) No minor under 18 years of age in the furtherance or
7 facilitation of obtaining any cigar, cigarette, smokeless
8 tobacco, or tobacco in any of its forms shall display or use a
9 false or forged identification card or transfer, alter, or
10 deface an identification card.

11 For the purpose of this Section, "smokeless tobacco" means
12 any tobacco products that are suitable for dipping or chewing.

13 (b) Tobacco products listed above may be sold through a
14 vending machine only if such tobacco products are not placed
15 together with any non-tobacco product, other than matches, in
16 the vending machine and the vending machine is in any of the
17 following locations:

18 ~~(1) Factories, businesses, offices, private clubs, and~~
19 ~~other places not open to the general public.~~

20 (1) ~~(2)~~ Places to which minors under 18 years of age
21 are not permitted access.

22 ~~(3) Places where alcoholic beverages are sold and~~
23 ~~consumed on the premises.~~

24 ~~(4) Places where the vending machine is under the~~
25 ~~direct supervision of the owner of the establishment or an~~
26 ~~employee over 18 years of age. The sale of tobacco products~~

1 ~~from a vending machine under direct supervision of the~~
2 ~~owner or an employee of the establishment is considered a~~
3 ~~sale of tobacco products by that person. As used in this~~
4 ~~subdivision, "direct supervision" means that the owner or~~
5 ~~employee has an unimpeded line of sight to the vending~~
6 ~~machine.~~

7 (2) ~~(5)~~ Places where the vending machine can only be
8 operated by the owner or an employee over age 18 either
9 directly or through a remote control device if the device
10 is inaccessible to all customers.

11 (c) The sale or distribution at no charge of cigarettes
12 from a lunch wagon engaging in any sales activity within 1,000
13 feet of any public or private elementary or secondary school
14 grounds is prohibited.

15 For the purpose of this Section, "lunch wagon" means a
16 mobile vehicle designed and constructed to transport food and
17 from which food is sold to the general public.

18 (d) The sale or distribution by any person of a tobacco
19 product listed above, including but not limited to a single or
20 loose cigarette, that is not contained within a sealed
21 container, pack, or package as provided by the manufacturer,
22 which container, pack, or package bears the health warning
23 required by federal law, is prohibited.

24 (Source: P.A. 93-284, eff. 1-1-04; 93-886, eff. 1-1-05.)

25 Section 10. The Tobacco Accessories and Smoking Herbs

1 Control Act is amended by changing Sections 2, 3, and 4 as
2 follows:

3 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

4 Sec. 2. Purpose.

5 (a) The sale and possession of marijuana, hashish, cocaine,
6 opium and their derivatives, is not only prohibited by Illinois
7 Law, but the use of these substances has been deemed injurious
8 to the health of the user.

9 It has further been determined by the Surgeon General of
10 the United States that the use of tobacco is hazardous to human
11 health.

12 The ready availability of smoking herbs to minors could
13 lead to the use of tobacco and illegal drugs.

14 It is in the best interests of the citizens of the State of
15 Illinois to seek to prohibit the spread of illegal drugs,
16 tobacco or smoking materials to minors. The prohibition of the
17 sale of tobacco and snuff accessories and smoking herbs to
18 minors would help to curb the usage of illegal drugs and
19 tobacco products, among our youth.

20 (b) The General Assembly finds and declares that there has
21 been a proliferation of flavored cigarettes in recent years.
22 Many of these products have flavors that are particularly
23 attractive to minors. These cigarettes have included flavors
24 such as various fruits, candy, chocolate, vanilla, honey, sugar
25 or sugar substitute, nut, mint, cocoa, desserts, soft drinks,

1 alcoholic beverages, herb and spice flavorings or other
2 flavorings that are attractive to minors. According to survey
3 evidence and public health experts, minors are more likely to
4 choose flavored cigarettes and thus the existence of these
5 products increases the incidence of cigarette use among minors.
6 Moreover, the earlier that an individual begins using tobacco,
7 the more likely he or she will become addicted to tobacco
8 products and will continue to use tobacco products throughout
9 his or her lifetime. Accordingly, flavored cigarettes result in
10 increased tobacco use, increased addiction, a greater
11 incidence of smoking-related illnesses, increased health care
12 costs, and more smoking-related deaths. The General Assembly
13 therefore finds and declares that the existence of flavored
14 cigarettes presents a significant threat to public health and
15 to minors, and that the sale of flavored cigarettes must be
16 restricted.

17 (Source: P.A. 82-487.)

18 (720 ILCS 685/3) (from Ch. 23, par. 2358-3)

19 Sec. 3. Definitions. The following definitions shall apply
20 to this Act:

21 (a) "Tobacco accessories" shall mean cigarette papers,
22 pipes, holders of smoking materials of all types, cigarette
23 rolling machines, and other items, designed primarily for the
24 smoking or ingestion of tobacco products or of substances made
25 illegal under any statute or of substances whose sale, gift,

1 barter, or exchange is made unlawful under this Act.

2 (b) "Smoking herbs" shall mean all substances of plant
3 origin and their derivatives, including but not limited to
4 broom, calea, California poppy, damiana, hops, ginseng,
5 lobelia, jimson weed and other members of the Datura genus,
6 passion flower and wild lettuce, which are processed or sold
7 primarily for use as smoking materials.

8 (c) "Bidi cigarette" means a product that contains tobacco
9 that is wrapped in temburni or tendu leaf or that is wrapped in
10 any other material identified by rules of the Department of
11 Public Health that is similar in appearance or characteristics
12 to the temburni or tendu leaf.

13 (d) "Flavored cigarette" means any cigarette product, or
14 any component part thereof (including but not limited to the
15 tobacco, paper, or filter, and any components for roll-your-own
16 cigarettes), which contains a natural or artificial
17 constituent or additive that causes such cigarette or its smoke
18 to have a characterizing flavor other than tobacco or menthol.

19 (e) "Characterizing flavor" includes but is not limited to
20 any fruit, candy, chocolate, vanilla, honey, sugar or sugar
21 substitute, nut, mint, cocoa, dessert, soft drink, alcoholic
22 beverage, herb or spice flavoring, but does not include tobacco
23 or menthol. In no event shall a cigarette or any component part
24 thereof (including but not limited to the tobacco, paper, roll
25 or filter) be construed to have a characterizing flavor based
26 solely on the use of additives or flavorings, or the provision

1 of an ingredient list made available by any means.

2 (Source: P.A. 91-734, eff. 1-1-01.)

3 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

4 Sec. 4. Offenses.

5 (a) Sale to minors. No person shall knowingly sell, barter,
6 exchange, deliver or give away or cause or permit or procure to
7 be sold, bartered, exchanged, delivered, or given away tobacco
8 accessories or smoking herbs to any person under 18 years of
9 age.

10 (a-5) Sale of bidi cigarettes. No person shall knowingly
11 sell, barter, exchange, deliver, or give away a bidi cigarette
12 to another person, nor shall a person cause or permit or
13 procure a bidi cigarette to be sold, bartered, exchanged,
14 delivered, or given away to another person.

15 (a-6) No person shall knowingly sell, distribute, or offer
16 for sale or distribution in this State or to any person in this
17 State a flavored cigarette.

18 (b) Sale of cigarette paper. No person shall knowingly
19 offer, sell, barter, exchange, deliver or give away cigarette
20 paper or cause, permit, or procure cigarette paper to be sold,
21 offered, bartered, exchanged, delivered, or given away except
22 from premises or an establishment where other tobacco products
23 are sold. For purposes of this Section, "tobacco products"
24 means cigarettes, cigars, smokeless tobacco, or tobacco in any
25 of its forms.

1 (c) Sale of cigarette paper from vending machines. No
2 person shall knowingly offer, sell, barter, exchange, deliver
3 or give away cigarette paper or cause, permit, or procure
4 cigarette paper to be sold, offered, bartered, exchanged,
5 delivered, or given away by use of a vending or coin-operated
6 machine or device. For purposes of this Section, "cigarette
7 paper" shall not include any paper that is incorporated into a
8 product to which a tax stamp must be affixed under the
9 Cigarette Tax Act or the Cigarette Use Tax Act.

10 (d) Use of identification cards. No person in the
11 furtherance or facilitation of obtaining smoking accessories
12 and smoking herbs shall display or use a false or forged
13 identification card or transfer, alter, or deface an
14 identification card.

15 (e) Warning to minors. Any person, firm, partnership,
16 company or corporation operating a place of business where
17 tobacco accessories and smoking herbs are sold or offered for
18 sale shall post in a conspicuous place upon the premises a sign
19 upon which there shall be imprinted the following statement,
20 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER
21 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO
22 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
23 printed on a white card in red letters at least one-half inch
24 in height.

25 (Source: P.A. 91-734, eff. 1-1-01.)".